

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

STACEY FLETCHER, on behalf of herself ) No. 10 C 4682  
and all others similarly situated, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ONEWEST BANK, FSB, ) March 11, 2013  
 ) Chicago, Illinois  
 ) 9:00 a.m.  
 Defendants. ) Status Hearing

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE SHARON JOHNSON COLEMAN

## **APPEARANCES:**

**For the Plaintiff:** EDELSON McGUIRE LLC  
350 North LaSalle Street  
Suite 1300  
Chicago, Illinois 60654  
BY: MS. ALICIA E. HWANG

For the Defendant: MUCH SHELST DENENBERG AMENT & RUBENSTEIN, PC 191 North Wacker Drive Suite 1800 Chicago, Illinois 60606 BY: MR. ROBERT J. EMANUEL

TRACEY DANA McCULLOUGH, CSR, RPR  
Official Court Reporter  
219 South Dearborn Street  
Room 1426  
Chicago, Illinois 60604  
(312) 922-3716

1 THE CLERK: 10 C 4682, Fletcher versus OneWest Bank.

2 MR. EMANUEL: Good morning, Your Honor.

3 MS. HWANG: Good morning. Alicia Hwang for  
4 plaintiff.

5 MR. EMANUEL: Bob Emanuel for defendant OneWest Bank.

6 THE COURT: All right. And do we have another  
7 counsel who's supposed to be by phone?

8 MR. EMANUEL: No. Just the two of us.

9 THE COURT: All right. So you all want more time or  
10 what's going on here? I know this is -- the Court has reviewed  
11 some of the notes on the case, and you're looking for more time  
12 for discovery, is that correct?

13 MR. EMANUEL: Yes, for a number of reasons, including  
14 the fact that my firm just recently substituted in. And we  
15 have done substantially everything that needs to be done with  
16 respect to the written discovery for the named plaintiff's  
17 individual claims. We have produced documents, responded to  
18 interrogatories. And they have as well. What we're doing now  
19 is going to depose the individual plaintiff Stacey Fletcher.  
20 And then we expect that plaintiffs will want some kind of 30  
21 (b) 6 or similar deposition. So we're hoping if we could have  
22 60 days from today's date.

23 THE COURT: 60 days for those two deps?

24 MR. EMANUEL: There's also -- I understand that they  
25 might, they might want to take more than one 30 (b) 6 witness.

1 There's been discussion of maybe up to five.

2 THE COURT: Well, Counsel -- and I appreciate your  
3 position just walking in. This Court was sort of in that  
4 position when I took over the case from Judge Hibbler, and the  
5 case really was allowed to just languish during his illness.  
6 And that is why it is a 2010 case and we're in 2013. And this  
7 Court isn't going to have much patience here.

8 MR. EMANUEL: Okay. I point out one other thing. It  
9 was stayed for quite a bit of time during the Wigot matter  
10 while that went up on appeal and came back down.

11 THE COURT: It was. And then it was allowed to  
12 languish, though. And -- and it's not the only case. And  
13 obviously sometimes without meaning to if there's room to  
14 wiggle and room to do other things and not have to focus on a  
15 case, I think that's what happened here.

16 MR. EMANUEL: Okay.

17 THE COURT: And this Court needs to get it moving,  
18 and I don't want to take unnecessary time. However, I'll give  
19 you the time you asked, but just understand this is your date.  
20 I will not move.

21 MR. EMANUEL: Absolutely.

22 THE COURT: All right.

23 MS. HWANG: Okay.

24 MR. EMANUEL: Fully understood. Thank you, Your  
25 Honor.

1                   THE COURT: So if you want -- if you take the 60  
2 days, make full use of it. And that is for the fact discovery.  
3 And so whether it's two, five, eight, get them in.

4                   MR. EMANUEL: Okay.

5                   THE COURT: All right. So I'll enter the dates. May  
6 7th. Everybody here?

7                   MS. HWANG: We have the motion coming up.

8                   MR. EMANUEL: Yes, we have the joint motion that's up  
9 tomorrow too.

10                  THE COURT: You can -- that can be stricken.

11                  MR. EMANUEL: And then we've conferred about whether  
12 or not there will be an amended complaint in this case. There  
13 was some discussion about that earlier. Our understanding is  
14 that there will not be.

15                  MS. HWANG: Not at this moment, no.

16                  THE COURT: All right. Good.

17                  MR. EMANUEL: Thank you, Your Honor.

18                  THE COURT: All right. So we have the dates of  
19 May 7th for fact discovery, and then you also have dispositive  
20 motion dates, is that correct? May 21st --

21                  MS. HWANG: Yes, for the motion for summary judgment.

22                  THE COURT: -- due date. And then June 21st for a  
23 response and July 5th for the reply.

24                  MS. HWANG: Yes.

25                  MR. EMANUEL: Yes, to the May 7th and 21st, so okay.

1                   THE COURT: All right. And those dates are set. And  
2 then just making sure everything's on track, I'll set a late  
3 July date. It doesn't mean you'll have a ruling then. It's  
4 just the date to make sure we're all have one place.

5                   THE CLERK: July 29th at 9 o'clock.

6                   THE COURT: All right. Anything else?

7                   MR. EMANUEL: That's it, Your Honor.

8                   THE COURT: Thank you both.

9                   MR. EMANUEL: Thank you very much.

10                  MS. HWANG: Thank you.

11                  CERTIFICATE

12                  I HEREBY CERTIFY that the foregoing is a true,  
13 correct and complete transcript of the proceedings had at the  
14 hearing of the aforementioned cause on the day and date hereof.

15

16                  /s/TRACEY D. McCULLOUGH                   March 20, 2013

17                  Official Court Reporter                      Date  
18                  United States District Court  
19                  Northern District of Illinois  
20                  Eastern Division

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